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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,
14

15 Plaintiff,
16

17 v.
18

4:15-CR-6049-EFS-16

19 EDGAR OMAR HERERRA FARIAS
20 (16),
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Joint Status Report

22 Defendant.
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Plaintiff, United States of America, by and through William D. Hyslop, United States Attorney for the Eastern District of Washington, and Stephanie Van Marter, Assistant United States Attorney for the Eastern District of Washington, hereby submits the following Joint Status Report pursuant to the Court's Order. *See*, ECF 1313.

Pursuant to the Court's Order, the parties met and conferred as to the status of the case. Given the Court's recent Order (ECF 1314) regarding the scope of the waiver, the United States believes more time is needed to properly investigate the claims raised by the Defendant and his counsel. More specifically, counsel for the United States had not yet received information pursuant to this Court's

1 Order from Mr. Schweda, Mr. Valadez or Mr. Swanberg. As a result, counsel
2 needs time to review any of the materials disclosed prior to the hearing.

3 Counsel for the Defendant relayed the following:

4 A. Mr. Herrera Farias's position is that he does not need access to prior
5 defense counsel's communications with the U.S. Attorney's office about
6 plea negotiations and potential penalties at this time. If, however, the
7 matter is continued, such materials not yet disclosed to by the Government
8 should be disclosed to counsel for Mr. Herrera Farias.

9 B. Mr. Herrera Farias's position is that joint interviews or depositions of
10 witnesses is not necessary. If, however, the matter is continued, counsel
11 for Mr. Herrera Farias asks to participate in any interviews or depositions
12 conducted.

13 C. Mr. Herrera Farias's position is that his motion to withdraw guilty plea is
14 ripe and should be decided on August 19, 2019. If the hearing is
15 continued, other potential hearing dates include September 9 and 10, 2019.

16 The United States has been in contact with Mr. Schweda and Mr. Valadez as
17 to the new proposed date of September 9 or 10th, both advised they are available.
18 This Court's clerk has advised that September 9, 2019 at 10:00am would work
19 for the Court.

20 The United States is respectfully requesting the hearing be reset to September
21 9, 2019. Counsel for the Defendant objects to any resetting as noted.

22 DATED this 16th day of August 2019.

23 William D. Hyslop
24 United States Attorney

25 *s/Stephanie Van Marter,*

26 Stephanie Van Marter
27 Assistant United States Attorney

CERTIFICATION

I hereby certify that on August 16, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following, and/or I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant(s):

Shea Meehan: smeehan@walkerheye.com

s/Stephanie J. Van Marter

Stephanie Van Marter
Assistant United States Attorney